



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/000,155
Filing Date: October 30, 2001
Appellant(s): HARARI ET AL.

Michael G. Cleveland
For Appellant

SUPPL. EXAMINER'S ANSWER

This is in response to the appeal brief filed 03/18/2008 and the supplemental appeal brief filed 04/22/2008 appealing from the Office action mailed 05/19/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 63-103 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In the independent claims 63, 82, 85, 87, 89, 91, 96, 98, 99, 100, 101, 102, and 103, the specification lacks support for the claimed subject matter: address cells for storing addresses. Regarding claim 63, lines 2-4, the recitation of “a memory array comprising a plurality of groups of data cells and address cells, said cells in each of said groups of data cells and address cells respectively storing data and addresses” lacks support for groups of address cells storing addresses. The specification on pages 16 and 17 only depicts “a typical sector 401 organized into a data portion 403 and a spare (or shadow) portion 405” and “the spare portion 405 is further organized into an alternative defects data area 407, a defect map area 409, a header area 411 and an ECC and others area 413.” There are no descriptions about address cells for storing addresses. Other independent claims 82, 85, 87, 89, 91, 96, 98, 99, 100, 101, 102, and 103 recite the same limitation and suffer the same deficiency. Therefore, the specification fails to describe groups of address cells for storing address in a memory array.

(10) Response to Argument

The appellant’s argument respect to all of the claims is about the support for “groups of ...cells...storing addresses” as in the typical claim 98. To support for the claimed subject matter, the appellant cites the specification at page 17, lines 6-8, “the

addresses of the defective cell and the backup cell are stored as defect pointers in the defect map 409.” The appellant concludes the recitation providing support for “a group of cells for storing addresses”.

On the contrary, the Examiner believes that the specification at page 17, lines 6-8, only describes the addresses of the defective cell and the backup cell stored as defect pointers in the defect map 409. The defect pointers are not address cells for storing addresses as claimed in claims 63, 82, 85, 87, 89, 91, 96, 98, 99, 100, 101, 102, and 103. The specification does not mention about address cells and storing addresses as claimed, but only about the addresses ...stored as defect pointers.

(11) Related Proceeding(s) Appendix

Copies of the court or Board decision(s) identified in the Related Appeals and Interferences section of this examiner's answer are provided with papers filed 08/24/2007.

DECISION ON PRELIMINARY MOTIONS
PATENT INTERFERENCE NO. 104,760

DECISION ON YAMAGAMI SECOND REQUEST FOR RECONSIDERATION AND
FINAL JUDGMENT, PATENT INTERFERENCE NO. 104,760

DECISION ON APPEAL, APPEAL NO. 2001-1272

U.S. INTERNATIONAL TRADE COMMISSION, INVESTIGATION NO. 337-TA-382

U.S. INTERNATIONAL TRADE COMMISSION, INVESTIGATION NO. 337-TA-560

DECISION ON APPEAL, *SANDISK CORPORATION V. MEMOREX PRODUCTS, INC.*,
415 F.3D 1278, 75USPQ 2D1475 (FED. CIR. 2005)

Respectfully submitted,

/Son L. Mai/

Conferees:

Amir Zarabian

/AMIR ZARABIAN/

Supervisory Patent Examiner, Art Unit 2827

Ricky Mack

/Ricky L. Mack/

Supervisory Patent Examiner, Art Unit 2873